

IN THE DISTRICT COURT IN AND FOR CUSTER COUNTY
STATE OF OKLAHOMA

MONIQUE BOWENS,)
vs.)
Plaintiff,)
vs.)
BOARD OF COUNTY COMMISSIONERS)
Of CUSTER COUNTY, OKLAHOMA,)
KENNETH TIDWELL,)
SHERIFF OF CUSTER COUNTY,)
OKLAHOMA, and)
DARRION MORGAN,)
Defendants.)

No. C5-2018-83

FILED
DISTRICT COURT
Custer County, Okla.
SEP 13 2018 *dy*
STACI HUNTER
COURT CLERK

PETITION

COMES NOW the Plaintiff, Monique Bowens, by and through her attorneys, Stanley D. Monroe and Matthew D. Schultz, and for her claims and causes of action against the Defendants, Board of County Commissioners of Custer County, Kenneth Tidwell, Sheriff of Custer County, and Darrion Morgan, alleges and states as follows:

1. Plaintiff is a citizen and resident of the State of Oklahoma, and was, at all times relevant hereto, a convicted prisoner confined in the Custer County Jail; that Defendant, Board of County Commissioners of Custer County (hereinafter, "Board") is a political subdivision as defined by Title 51 O.S. §151, *et seq.*, that has a sheriff's department – an agency exercising jurisdiction within Arapahoe, Oklahoma, exclusively – and is responsible for housing inmates arrested within the County, and which has implemented policies and/or customs that are followed by sheriff's department employees; that the event herein identified occurred within the municipal limits of the City of Arapahoe, Custer County, Oklahoma, and that this Court has jurisdiction over the claims and causes of action hereinafter alleged and the parties to this proceeding.

2. That Kenneth Tidwell is the duly elected Sheriff of Custer County.
3. That Darrion Morgan was, at all times relevant hereto, an employee of the Custer County

Sheriff's Office, assigned to work in the Custer County Jail.

4. That the Defendant Board was timely served with a Notice of Claim by Plaintiff pursuant to and in accordance with the requirements of 51 O.S. §156.

5. That a period of more than ninety (90) days has elapsed since the aforesaid notice was received by the Defendant Board, so the claim has been deemed denied.

6. The some of the causes of action herein alleged arise from decessent's rights under the Fourth, Eighth and Fourteenth Amendments of the United States Constitution, which are enforced in civil actions by 42 U.S.C. § 1983.

7. Plaintiff alleges that between March 18 – 20, 2017, she was sexually assaulted by Defendant Darrion Morgan within the confines of the Custer County Jail while he was on duty. That the Defendant Board, though the Custer County Sheriff's Office was negligent by allowing Defendant Morgan to be alone with female inmates, specifically, Plaintiff, and further failed to properly train, supervise and discipline Defendant Morgan when it knew, or should have known that such actions, or failure to act, would have resulted in injury to Plaintiff or other inmates similarly situated.

FIRST CAUSE OF ACTION – NEGLIGENCE
Governmental Tort Claim

8. As a direct and proximate result of the negligence of the Custer County Sheriff's Office, by failing to properly supervise, train and discipline misconduct of jail employees, Plaintiff incurred damages. Further, Plaintiff has suffered extreme emotional distress for which she should recover damages.

SECOND CAUSE OF ACTION – VIOLATION OF OKLAHOMA CIVIL RIGHTS
Oklahoma Constitution Art. 2 § 30

9. That Defendant Morgan engaged in conduct that constitutes a violation of the Plaintiff's civil rights guaranteed by Art. 2 § 30 of the Oklahoma Constitution. Plaintiff suffered

damages as a result thereof, and Plaintiff should be awarded damages. Further, Defendant Board is liable for the wrongful acts of Defendant Morgan under the doctrine of *respondeat superior*.

THIRD CAUSE OF ACTION – VIOLATION OF CIVIL RIGHTS

(42 U.S.C. § 1983)

10. That Defendant Tidwell, who was the duly elected Sheriff of Custer County and oversaw the day-to-day operations of the jail, was a policymaker and in such capacity, was responsible for training detention officers and ensuring that jail employees complied with the constitutional rights of detainees and prisoners. That the failure to properly train, supervise and discipline Defendant Morgan, when viewed in its totality and compared with reasonably accepted standards of conduct, must be characterized as deliberate indifference to the Constitutional rights of the Plaintiff, thereby depriving her of the civil rights granted to her by the Fourth, Eighth and Fourteenth Amendments of the United States Constitution.
11. That Defendant Board of County Commissioners' acquiescence and/or deliberate indifference to the adequacy of training and supervising detention officers caused a custom or practice of unchecked constitutional violations and other wrongful behavior to develop throughout the Custer County Jail.
12. Defendant Morgan's willful, wanton, and malicious acts – in deliberate indifference to law and Plaintiff's federal Constitutional rights guaranteed by the Fourth, Eighth and Fourteenth Amendments, caused Plaintiff to suffer damages and warrants the imposition of exemplary damages against Defendant Morgan in an amount to be proven at trial and determined by a jury.

WHEREFORE, premises considered, Plaintiff prays for judgment against the Defendants, Board of County Commissioners of Custer County, Kenneth Tidwell and Darrion Morgan in the sum of \$125,000.00, inclusive of fees and costs, pre-and post-judgment interest, for her state law claims, and additionally, in an amount in excess of \$75,000.00 for her federal constitutional claim, reasonable attorneys' fees, and the court costs herein expended.

Respectfully Submitted,



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JURY TRIAL DEMANDED
ATTORNEYS' LIEN CLAIMED